

Exhibit E

San Francisco Police Department

GENERAL ORDER

9.01

08/10/94

TRAFFIC ENFORCEMENT

This order sets policies and procedures regarding traffic enforcement, including moving, parking, and mechanical violations, commercial vehicle registration and mechanical violations, citing at the scene of traffic collisions, and voiding citations.

I. POLICY

A. ENFORCEMENT

- 1. GOALS.** The goals of the Department's traffic enforcement program are to reduce traffic collisions, facilitate traffic flow, and ease parking congestion.
- 2. PRIORITY.** Traffic enforcement is a major priority of the Department and an important task assigned to uniformed personnel. Members shall give priority to enforcing violations consistent with the above goals.
- 3. DISCRETION.** Members enforcing traffic and parking laws must also use discretion; however, members shall not let the attitude of a violator influence their enforcement action.

B. MOVING VIOLATIONS

- 1. UNIFORMED OFFICERS.** Moving violations shall be enforced only by uniformed officers, except as provided in DGO 5.08, Non-Uniformed Officers. Patrol Special and Assistant Patrol Special officers are not authorized to enforce moving violations or laws regulating pedestrian traffic.
- 2. BICYCLISTS.** According to Section 21200 CVC, bicyclists are subject to the same rights and responsibilities as other vehicles on a roadway and can be cited for certain moving violations. Local ordinances also regulate bicycle messengers (see Traffic Code Sections 98-98.3).

DGO 9.01
08/10/94

3. **ENFORCEMENT.** Officers shall act on moving violations in any of the following circumstances:
 - a. After witnessing a violation.
 - b. In response to a private person's arrest.
 - c. When reasonable cause has been established by a qualified officer investigating a traffic collision.
4. **IDENTIFICATION.** When issuing a moving violation, an officer shall reasonably ascertain the true identity of the violator. If this is not possible through valid identification or other efforts, the violator shall be booked and the "inability to ascertain identity" entered on the booking form as the reason for not issuing a citation (see DGO 5.06, Citation Release).
- C. **PARKING VIOLATIONS** (also see DGO 8.09, Media Relations). Patrol Special and Assistant Patrol Special Officers are not authorized to enforce parking laws.
- D. **MECHANICAL VIOLATIONS.** All uniformed officers shall enforce mechanical, licensing and registration violations. Uniformed officers may, in accordance with Section 40001 C.V.C., cite the owner or agent of any commercial vehicle in absentia for any mechanical violation, provided the operator of the vehicle is an employee of the owner (see below).
- E. **RELEASE OF VIOLATORS.** Except as required by Section 40302 CVC, all traffic violators shall be released upon their written promise to appear.

II. PROCEDURES

- A. **DISPOSITION OF TRAFFIC OFFENSES.** Rules governing the disposition of traffic offenses depend on the kind of offense and the age of the violator. When issuing a citation, answer reasonable questions and inform the person of the nature of the violation and the proper means of disposing of the citation.
 1. **PARKING OFFENSES.** The rules governing the disposition of "Notice of Parking Violation" apply to both adults and juveniles. Instructions for disposition of the violation are printed on the back of the violator's copy.

DGO 9.01
08/10/94

2. NON-PARKING OFFENSES.

- a. Adults cited with a "Notice to Appear" for any traffic offense must appear or submit bail. Certain moving violations require a mandatory appearance and must be assigned a specific court date.
- b. Juveniles cited for traffic offenses shall be referred to the juvenile court for a court date and disposition. When issuing a traffic citation to a juvenile, check "To be notified by Juvenile Court" and have the juvenile sign the citation.

B. REFUSAL TO SIGN CITATION. See DGO 5.06, Citation Release.

C. CITING AT THE SCENE OF A TRAFFIC COLLISION

1. **PURPOSE.** A Notice to Appear may be issued by a qualified officer investigating a vehicle collision, even though the violation did not occur in his/her presence. The purpose of issuing a Notice to Appear is to bring a suspected traffic violator involved in a traffic collision into court. Unlike most occasions when a Notice to Appear is issued after an officer witnesses a violation, a Notice to Appear issued in connection with a traffic collision does not constitute an arrest and the violator need not sign the citation.
2. **QUALIFICATION.** Only officers possessing either of the following qualifications may issue a Notice to Appear in connection with a traffic collision:
 - a. A Certificate of Completion from a P.O.S.T. - certified course in the investigation of vehicle accidents, or
 - b. Officers, who through training and experience, enforced traffic laws following collisions when such experience was gained prior to the State's adoption of Division 17, Article 3, commencing with Section 40600 of the California Vehicle Code.
3. **CRITERIA FOR ISSUANCE.** Before issuing a Notice to Appear at the scene of a traffic collision, a Traffic Collision Report (SFPD 555) must be completed by a qualified officer, and he/she must have reasonable cause to believe a traffic violation (infraction or misdemeanor) had occurred.

DGO 9.01
08/10/94

4. **ISSUING THE NOTICE TO APPEAR.** Complete the notice to appear in the same way as you would if the violation had been committed in your presence. Ensure that the incident report number is included. If possible, have the violator sign the citation; however, the violator is not required to sign.
 - a. Cite adult violators to the Clerk of Municipal court within 21 days. Juvenile violators will be notified of the date and time of their appearance.
 - b. After completing the Notice to Appear, furnish a copy to the violator only if the citation has been signed. Tell the violator that he/she has 21 days either to post bail or to request a court hearing at the Traffic Fines Bureau, Room 101, Hall of Justice. Also advise the violator that failure to respond may result in a hold being place on his/her driver license, a complaint being filed, and a warrant of arrest issued.
 - c. If the violator refuses to sign the citation, print "MAILED" in the signature box, but do not give the violator a copy. Forward all copies of the citation, along with a copy of the accident report, to the Collision Complaint Review Officer, Traffic Division who will mail the citation to the violator indicating the date mailed in the signature box.
5. **TRAFFIC COLLISION INVESTIGATION AND REPORT** (also see DGO 9.02, Vehicle Accidents). Establish and present the "corpus" of the violation and the basis for issuing the Notice of Violation in the concluding narrative of your traffic collision report.
6. **FORWARDING.** Forward the Notice to Appear and a copy of the traffic collision report, to the Traffic Division, Traffic Collision Complaint Review Officer. Forward the original collision report in the usual manner.

DGO 9.01
08/10/94

D. COMMERCIAL VEHICLE REGISTRATION AND MECHANICAL VIOLATIONS

1. **ENFORCEMENT PROCEDURES.** When stopping a driver of a commercial vehicle for a registration or mechanical violation, and the driver is an employee but not the officer or owner of the firm, follow these procedures when completing the Notice to Appear:
 - a. Complete all the information boxes for the driver and vehicle.
 - b. In the registered owner/lessee section, write the company name, the name and address of the owner, and the responsible person of the company to whom the citation should be directed.
 - c. Write "40001A CVC (OWNER'S RESPONSIBILITY)" in the signature section. The driver does not sign the citation.
 - d. Do not detach the copies of the citation. Forward the entire set to the Traffic Division, Commercial Vehicle Unit.
2. **OUT OF STATE REGISTRATION.** The procedures above apply only to commercial vehicles registered in California. They do not apply to commercial vehicles registered in another state or to violations that are clearly the responsibility of the driver.

DGO 9.01

08/10/94

- E. **BOOKINGS.** Persons may be arrested and booked solely for traffic infractions or a combination of traffic infractions and non-traffic offenses. Courts have voided criminal charges after an individual had resolved the traffic offense, which was often the basis of probable cause for the officer to stop, detain and investigate. Therefore, it is very important to list all traffic or non-traffic infractions on the booking form along with the other more serious offenses (see DGO 4.01, Booking of Prisoners). All the charges will be combined into a single case by the District Attorney.
1. **NOTICE TO APPEAR.** When booking a person for a combination of traffic infractions and other offenses, complete a Notice to Appear only to record the traffic infraction with the DMV. Do not assign a court date, check a box for disposition or have the suspect sign the Notice to Appear. Write "Booked at _____" in the signature section of the form, but do not give the suspect a copy. Attach the entire set of the Notice to Appear to your incident report.
 2. **INTOXICATED DRIVER (DUI).** After arresting an intoxicated driver, list any traffic violation that was the basis of probable cause to stop or was a significant contributing factor in a collision on the booking form in addition to the DUI charge.
- F. **VOIDING CITATIONS.** See DGO 9.05, Traffic Citation Control.
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